

1  
2  
3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 **-oOo-**

6 UNITED STATES OF AMERICA,

2:17-mj-271-GWF-1

7 Plaintiff,

**ORDER**

8 vs.

9 JOSHUA RAY FISHER,

10 Defendant.

11 **ORDER**

12 Based on the pending Stipulation of counsel, and good cause appearing  
13 therefore, the Court finds that:

- 14 1. The parties have initiated discussions regarding resolving the case pre-  
15 indictment. Additional time is needed to discuss any potential resolution.
- 16 2. The parties agree to the continuance.
- 17 3. Defendant FISHER is incarcerated, but does not object to the continuance.
- 18 4. Additionally, denial of this request for continuance could result in a miscarriage  
19 of justice.
- 20 5. The additional time requested herein is not sought for purposes of delay, but to  
21 allow for a potential pre-indictment resolution of the case.
- 22 6. The additional time requested by this stipulation, is allowed, with the  
23 defendant's consent under the Federal Rules of Procedure 5.1(d).  
24

1 7. This is the fourth request for a continuance of the preliminary hearing.

2 For all of the above-stated reasons, the ends of justice would best be served by a  
3 continuance of the preliminary hearing date.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best  
6 interest of the public and the defendants, since the failure to grant said continuance  
7 would be likely to result in a miscarriage of justice, would deny the parties herein to  
8 potentially resolve the case prior to indictment, and further would deny the parties  
9 sufficient time and the opportunity within which to be able to effectively and  
10 thoroughly prepare for the preliminary hearing, taking into account the exercise of due  
11 diligence.

12 The continuance sought herein is allowed, with the defendants' consent,  
13 pursuant to Federal Rules of Procedure 5.1(d).

14 **ORDER**

15 IT IS THEREFORE ORDERED that the preliminary hearing currently  
16 scheduled for October 16, 2017, at the hour of 4:00 pm, be vacated and continued to  
17 November 30, 2017 at the hour of 4:00 ~~am~~/pm.

18  
19 DATED 12th day of October, 2017.

20   
21 THE HONORABLE GEORGE W. FOLEY  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24